

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BCC PARTNERS, LLC,

Plaintiff,

v.

TRAVELERS PROP. CAS. CO. OF
AMERICA,

Defendant.

Case No. 4: 22 CV 849 RWS

MEMORANDUM AND ORDER

On April 4, 2023, I granted defendant's motion to extend case management order deadlines and ordered the parties to jointly propose alternative trial dates. ECF 29. In response, the parties merely requested a trial date "as soon after February 26, 2024 as the Court has available." ECF 30. The Court granted the parties' request and set this matter for trial on its March 11, 2024 trial docket. ECF 31. Now plaintiff has filed a motion to continue this trial setting, claiming that three of its witnesses are unavailable during the trial. ECF 32. This motion does not indicate whether defendant consents to the request for continuance and contains no exclusionary trial settings for defendant's witnesses or counsel. The parties should have conferred with each other (and their witnesses) about exclusionary dates and submitted them as required by the Court's April 4, 2023 Order. Because they apparently did not, the Court is now required to find yet another trial date which accommodates the parties, which it cannot do based on the information provided in this motion.

Accordingly, plaintiff's motion is denied without prejudice to refileing a motion that sets out exclusionary alternative trial dates for both plaintiff and defendant through the end of 2024. **Any future motions to amend the case management order will be summarily denied unless the motion indicates on its face whether or not it is being filed with the consent of the opposing party.**

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for continuance [32] is denied without prejudice to being refiled in accordance with the instructions set out above.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 24th day of April, 2023.